
C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
FEBRUARY 15, 1989

SUBJECT: ADOPT ORDINANCES MAKING PROVISION FOR RATE REDUCTION IN WATER, SEWER AND
REFUSE TO CERTAIN LOW INCOME PERSONS; SETTING WATER RATES BY ORDINANCE RATHER
THAN RESOLUTION; AND ADOPT BY URGENCY UNCODIFIED ORDINANCE, RATES FOR WATER
SERVICE PREVIOUSLY ESTABLISHED BY RESOLUTION.

PREPARED BY: City Attorney

RECOMMENDED ACTION: 1. Introduce Ord. 1445, establishing a 10% rate
adjustment on water, sewer, and refuse collection
rates for certain low income persons.

 2. Introduce Ord. 1446, requiring that water rates
be set by ordinance rather than by resolution.

 → 3. Introduce Ord. 1448, an urgency uncodified
ordinance adopting by reference, those rates and
charges for water service established in Resolution
89-02.

BACKGROUND INFORMATION: In response to concerns expressed by members of the
public in connection with a recent adjustment of
water rates, the Council has directed that an
ordinance be prepared for consideration, making provision for a rate reduction
for certain low income persons. After investigation and much discussion, it
was determined that it would be impractical to try to draft a measure which
would apply to all persons in low income status irrespective of age. The
attached draft is directed only to those persons identified as "low income" by
the Social Security Administration, based on the criteria for eligibility for
Supplemental Security Income (SSI), or State benefits under the State
Supplemental Payment (SSP) program.

In lieu of trying to modify the three separate statutes setting rates for
water, sewer, and refuse collection, the Council recommendation that it all be
done with a single ordinance proved most workable. The ordinance attached
will add a section to Chapter 13.04 of the Lodi Municipal Code, in effect
applying a 10% rate adjustment, exclusive of surcharges, to the bills of all
eligible low income persons. This avoids the necessity of modifying three
separate rate schedules each time fees or rates are adjusted.

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In preparing this ordinance, however, another problem was discovered. Recent State legislation has modified Health and Safety Code §5471 which previously required that sewage and solid waste disposal rates be set by ordinance as opposed to resolution. Now included in that section is rate setting for water systems, which now must also be adopted by ordinance. In fact, Lodi Municipal Code §13.08.010 specifies that water rates shall be adopted or established by "resolution" of the Council. Based on the recent change in State law, it is now necessary that this portion of the Municipal Code be amended to reflect the change.

Therefore, an ordinance is attached hereto amending this part of the Municipal Code to require adoption of water rates by uncodified ordinance, rather than resolution. This ordinance is proposed for adoption as an urgency measure, based on health, safety, or welfare considerations, so that the City may comply with State law.

In summary, the ordinances attached accomplish three things:

- First, it offers a 10% reduction in rates for water, sewer, and refuse collection services to those persons otherwise eligible for SSI or SSP.
- Second, it brings the City into compliance with State law by providing that our water rates be set via Ordinance rather than resolution, and
- Third, it adopts by reference in an urgency uncodified ordinance, those water rates previously established by resolution.

Respectfully submitted,



BOB McNATT
City Attorney

BM:vc

ORDINANCE NO. 1448

AN URGENCY UNCODIFIED ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING BY REFERENCE THOSE RATES AND CHARGES FOR WATER SERVICE
ESTABLISHED IN RESOLUTION 89-02

WHEREAS, the City of Lodi has heretofore adopted by resolution all rates and charges for water service; and

WHEREAS, under Senate Bill 2263, as filed August 29, 1988, Health and Safety Code §5471 was modified to include "water systems" in those municipal functions which are subject to setting of rates and charges by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1.

Those rates and charges for water service in the City of Lodi, heretofore adopted by the City Council in Resolution 89-02 (attached), are incorporated by reference and adopted as if fully set forth herein.

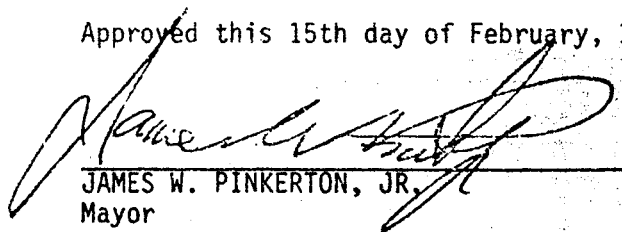
SECTION 2.

The Council finds that based on public health and welfare interests in the water system, this is an urgency measure, adopted by four-fifths (4/5) vote of the City Council, and shall become effective immediately upon passage.

~~SECTION 3.~~ All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

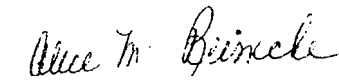
SECTION 4. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 15th day of February, 1989



JAMES W. PINKERTON, JR.
Mayor

Attest:



ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1448 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held February 15, 1989 and was thereafter passed, adopted and ordered to print by the following vote:

Ayes : Council Members - Hinchman, Olson, Reid and
Pinkerton (Mayor)

Noes : Council Members - None

Absent : Council Members - Snider

Abstain: Council Members - None

I further certify that Ordinance No. 1448 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

Approved as to Form

BW McNatt
BOBBY W. McNATT
City Attorney